

Virginia Poverty Law Center



A PRESENTATION BY THE
VIRGINIA POVERTY LAW CENTER

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SEXUAL VIOLENCE



progress

service

advocacy

impact

justice

community

Serving Virginia's legal aid
system by providing
advocacy, training, and
litigation support on civil justice
issues that affect low-income
Virginians

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The statewide support center for legal aid in
Virginia providing support in

ADVOCACY

TRAINING

LITIGATION

on the civil justice issues faced by
low-income Virginians

HB 1902: Early Lease Termination for Stalking Victims

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During the 2015 General Assembly session, Delegate Lopez introduced HB 1902, a bill that, in its original form, proposed modifying the definition of stalking AND adding a provision to allow a tenant who is a victim of stalking to terminate the tenant's rental agreement if the tenant has obtained a protective order or the perpetrator of the crime has been convicted.

HB 1902's last iteration removed the proposed change to the stalking definition.

HB 1902: Early Lease Termination for Stalking Victims (continued)

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Proposed to add a tenant who is a victim of a stalking (as defined under § 18.2-60.3) to the list of tenants who may exercise early termination of rental agreements as described in § 55-225.16.

In order to exercise these rights, said stalking victim must either have:

1. “[...] an order of protection pursuant to § 16.1-279.1 [...] or
2. [...] an order convicting a perpetrator of any crime of *stalking as defined by § 18.2-60.3.*”

BACKGROUND: Early lease termination for domestic violence victim tenants added in 2013

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SB1004 (Howell): Early Lease Termination for Victims of Sexual and Domestic Violence

In 2013, this bill established a right for certain victims of family abuse, sexual abuse and sexual violence to terminate their residential leases early. To qualify for this right to early lease termination, a tenant must have obtained **either** a family abuse protective order pursuant to 16.1-279.1 OR an order convicting the abuser of a crime of sexual assault, sexual abuse or family abuse.

BACKGROUND: Early lease termination for domestic violence victim tenants added in 2013 (cont'd)

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To effectuate the termination of the lease, the tenant must serve written notice on the landlord at least 30 days before the next rent payment is due AND must include with the notice a copy of the protective order or conviction order. Limitations: 1. The protective order (or an extension thereof) must be in effect when the termination notice is given. 2. A tenant can use the same conviction order to terminate no more than two leases – the lease in effect when the order is entered and one subsequent lease.

Consensus on a recommendation reached by broad coalition

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The Apartment and Office Building Ass'n (AOBA), the VA Ass'n of Realtors (VAR), DV/SV/stalking victim advocates and tenant advocates all reached consensus around a recommendation to allow a stalking conviction to be used to terminate the lease early within 90 days of date of conviction order (w/in 60 days, stalking victims with stalking conviction order could the order to give notice to terminate lease within 30 days).

House Courts of Justice Subcommittee on Criminal Law laid HB 1902 on the table by a voice vote on 2/4/15.

Thank You



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